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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**NEW WALLINGTON HOME, LLC, a  
New Jersey limited liability company;  
MORNINGSIDE at WALLINGTON,  
LLC, a New Jersey limited liability  
company,**

Plaintiff,

v.

**THE BOROUGH OF WALLINGTON,  
and BOROUGH OF WALLINGTON  
PLANNING BOARD,**

Defendants.

**ORDER**

Civil Action No.: 2:20-cv-08178

THIS MATTER having been opened to the Court on motion by The Law Offices of Richard Malagiere, PC (Richard Malagiere, Esq. and Leonard E. Seaman, Esq., appearing), Attorneys for Defendant, Borough of Wallington, for an Order dismissing Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted, and the Court having considered the moving papers, opposition, arguments of counsel and good cause having been shown;

IT IS this \_\_\_\_ day of \_\_\_\_\_, 2020;

ORDERED that the First and Second Counts of the Complaint in this matter are hereby dismissed pursuant to Fed. R. Civ. P. 12(b)(6) due to failure to state a claim upon which relief may be granted; and,

IT IS FURTHER ORDERED that the Third Count of the Complaint, alleging unjust enrichment, is hereby dismissed as this Court declines to exercise supplemental jurisdiction over same; and,

IT IS FURTHER ORDER that counsel for movant shall serve a copy of this Order on all parties not served with a copy hereof electronically.

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Honorable Claire C. Cecchi, U.S.D.J.